

REMARKS/ARGUMENTS

Claims 10-19, 21-25 and 27-31 remain in the application for further prosecution. Claims 1-9, 20, 26 and 32-40 have been withdrawn. The Applicant confirms that the inventorship for the remaining claims has not changed.

The Applicant reserves the right to file the withdrawn claims in a divisional application.

Specification

The Abstract has been amended to remove all legal phraseology. Thus, it is the Applicant's belief that the objection to the Abstract has been overcome.

Claim Objections

Claims 11 and 12 have been amended to recite that "said punch is adapted to cut through said zipper" and "said guide is adapted to engage at least on of said male and female tracks," respectively. These claims are now believed to be in proper format and that the objection has been overcome.

35 U.S.C. §112

Claims 17-19 have been amended to recite that the punch is adapted to form guide notch having the properties recited in the claim. These amendments are believed to overcome the rejection.

Claim 19 has been amended to provide the term "said fins" with proper antecedent basis, and thus, this rejection is believed to be overcome.

Claim 22 has been amended to recite that "said punch is located within approximately 0.0004 inches of said housing." Claim 22 is now believed to be allowable over this rejection.

Claim 29 has been amended to recite "said track receiving opening on said first zipper guide slot[track]," which overcomes the antecedent basis rejection regarding "said first track."

Claim 30 has also been amended to recite "said second zipper guide slot," which is believed to overcome the 112 rejection.

35 U.S.C. §102

Independent claims 10, 25, and 28 are all directed to a punching apparatus and recite a housing, and a punch slidably moveable within an open region of the housing. Claim 10 also recites a "guide slideable into said open region, said guide entering said open region in a plane

that is generally parallel to said slot plane.” Independent claim 25 has been amended to recite “a guide mechanism for sliding into said opening.” Independent claim 28 also has been amended to recite “a guide mechanism that slides into said channel [of said housing].”

U.S. Pat. No. 5,417,134 to Fitz (“Fitz”) relates to positioning a flat cable in a machine in order to punch a hole in the cable. The machine includes an applicator frame 2, a punch 3, that is adapted to punch holes in the cable, and a pair of cable guides 16a, 16b to confine the cable between them. The pair of cable guides 16a, 16b are pivotally attached to the applicator frame 2, which allows the cable guides 16a, 16b to move relative to each other. Col. 4, ll. 23-29. The pair of cable guides 16a, 16b are not slideable, nor do the slide into an opening or channel in order to guide and hold the cable. Instead, the cable guides are always located in the opening, and instead the ends of the cable guides 16a, 16b can move relative to each other. Hence, it is believed that Fitz fails to teach the “sliding” limitation that is present in all of the independent claims. For at least this reason, it is the Applicant’s belief that all of the limitations of independent claims 10, 25, and 28 are not taught or suggested by Fitz, and that these claims are allowable over Fitz.

Claims 11-13, 17-19, 24, and 30 all depend from either claims 10 or 28, and thus, are also believed to be allowable over Fitz for at least the reason stated above.

35 U.S.C. §103

Dependent claims 21-23 depend from claim 10; dependent claim 27 depends from claim 25, and dependent claim 29 depends from independent claim 28. Because these are all dependent claims, they each add limitations to the original independent claims. As stated above, Fitz does not disclose a guide that is slideable into an opening or that slides into the opening. There is nothing in Fitz to suggest that such a guide would be desirable. For at least these reasons, a prima facie case of obviousness has not been made, and claims 21-23 and 27 are believed to be allowable over Fitz.

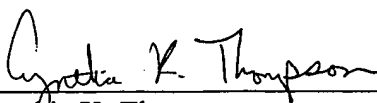
Conclusion

It is the Applicant’s belief that all of the claims are now in condition for allowance and action towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,

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